

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-25 and 27 are currently pending. Claims 1, 3-17, and 19-25 have been amended; new Claim 27 has been added; and Claim 26 has been canceled without prejudice or disclaimer by the present amendment. No new matter has been added.

Office Action Summary

The Abstract was objected to as exceeding the length requirement; Claims 24-26 were rejected under 35 U.S.C. § 101 as directed to a non-statutory class of invention; and Claims 1-26 were rejected under 35 U.S.C. § 103(a) as unpatentable over US Patent No. 6,384,868 to Oguma (hereafter "Oguma") in view of JP 2002-354064 to Maeda (hereafter "Maeda").

Objection to the Abstract

The Abstract has been amended to comply with the length requirement. Accordingly, Applicant respectfully requests that the objection to the Abstract be withdrawn.

Matters of Form

Claims 1, 3-17, and 19-25 have been amended to address matters of form and to avoid interpretation under 35 U.S.C. § 112, sixth paragraph. This comment is made in view of the recent *Festo* decision, which may limit the availability of the Doctrine of Equivalents, for narrowing amendments for patentability reasons. As Claims 1, 3-17, and 19-25 have merely been amended to address matters of form and to avoid interpretation under 35 U.S.C. § 112, sixth paragraph, the scope of these claims has not been narrowed for patentability reasons.

Rejection of Claims 24-26 under 35 U.S.C. § 101

Claim 26 has been canceled, rendering its rejection moot. Claims 24 and 25 have been amended to recite a computer-readable medium encoded with instructions. A computer-readable medium **encoded with instructions** is not a signal, and is thus a statutory class of invention. Therefore, Applicant respectfully requests that the rejection of Claims 24 and 25 under 35 U.S.C. § 101 be withdrawn.

Rejection of Independent Claims 1, 11, 20, and 22 under 35 U.S.C. § 103(a)

Applicant respectfully traverses the rejection of Claims 1, 11, 20, and 22 (and all associated dependent claims) under 35 U.S.C. § 103(a).

Briefly summarizing, Claim 1 recites a display device that displays an image based on image data supplied from a center device. The display device includes a receiver receiving data from the center device. Further, the display device includes a visual disturbance hiding unit that hides disturbance in the image caused by image switching, in response to the display device receiving, via the receiver, switching-related data indicating information with regard to the image switching of the image data by the center device, the switching-related data being transmitted in a case where the center device performs the image switching. Claim 1 has been amended to avoid interpretation under 35 U.S.C. § 112, sixth paragraph.

The outstanding Office Action asserts that Oguma describes a receiver 502 receiving data from a center device 501. Device 501 is remote control for a television. The Office Action concedes that Oguma is silent regarding the remote control 501 supplying image data to a display device. However, the Office Action attempts to modify Oguma by substituting the remote control 501 of Oguma with center device 1 illustrated in Figure 1 of Maeda.

Applicant respectfully submits **this proposed modification is improper**, and would render Oguma unsuitable for its intended purpose, and indeed inoperable, because the center device described by Maeda is not a remote control for controlling receiving part 502 of Oguma. Oguma describes that “a channel switch signal is provided to the control means 503 through a receiving part 502 by a **remote controller 501**.” On the other hand, Maeda appears to illustrate base station 1 receiving signals through antenna 70 and transmitting information to a display 2, **without describing any channel switch signal** from base station 1 to display 2. So a combination of Oguma modified by Maeda would lack the necessary channel switch signal, because as noted above, base station 1 does not provide such a signal. Thus, the system of Oguma would become inoperable if the remote control 501 was replaced with base station 1 of Maeda. Therefore, the proposed modification would render the result **inoperable and unsuitable for its intended purpose**. As stated in MPEP 2143.01(V), “[i]f proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.” Accordingly, a *prima facie* case of obviousness has not been established.

Furthermore, assuming *arguendo*, that Oguma could be modified by Maeda, the proposed combination lacks at least *switching-related data indicating information with regard to the image switching of the image data by the center device, the switching-related data being transmitted in a case where the center device performs the image switching*, as recited in Claim 1. More specifically, the claimed visual disturbance hiding unit hides disturbance in the image in response to the display device receiving ... switching-related data indicating information with regard to the *image switching ... by the center device*, the switching-related data being

transmitted in a case where *the center device performs the image switching*. Oguma describes remote control 501 which, as is well known in the art, transmits a signal to a display, **to command the display** to switch channels. However, remote control 501 **does not itself perform the image switching**, but rather it is **other components** downstream from receiving part 502 that actually **perform the image switching**. Further, Maeda does not cure this deficiency of Oguma (and indeed the Office Action does not assert otherwise). The Office Action merely relies on Maeda to describe transmitting image data, which is also lacking in Oguma. Accordingly, Applicant respectfully submits that no proper combination of the applied references teaches or suggests all features recited in Claim 1.

For at least the above reasons, singly or in combination, Applicant respectfully submits that amended Claim 1 (and all associated dependent claims) patentably defines over any proper combination of Oguma and Maeda, and requests that the rejection of Claims 1-6, 9, 10, and 24 under 35 U.S.C. § 103(a) be withdrawn.

The outstanding Office Action rejected independent Claims 11, 20, and 22 on similar grounds as independent Claim 1. While these claims are directed to alternate embodiments, Claims 11, 20, and 22 have been amended to avoid interpretation under 35 U.S.C. § 112, sixth paragraph, and recite similar features to those recited in Claim 1. Therefore, Applicant respectfully submits that Claims 11, 20, and 22 (and all associated dependent claims) patentably define over any proper combination of Oguma and Maeda for at least the reasons discussed above, and requests that the rejection of Claims 11-13, 15-20, 22, and 25 under 35 U.S.C. § 103(a) be withdrawn.

Rejection of Independent Claims 7, 14, 21, and 23 under 35 U.S.C. § 103(a)

Applicant respectfully traverses the rejection of Claims 7, 14, 21, and 23 (and all associated dependent claims) under 35 U.S.C. § 103(a). Briefly summarizing, Claim 7 recites a display device that displays an image based on image data supplied from a center device, the image data being encoded by the center device. The display device includes a receiver receiving data from the center device, and a decoder decoding the image data having been encoded. Further, the display device includes a *visual disturbance hiding unit* that hides disturbance of the image caused by the image switching of the image data by the center device, and the visual disturbance hiding unit *determining when to stop hiding the disturbance, in accordance with a time point at which the display device receives*, via the receiver, *a first stamp* which is *generated when the image data* switched by the center device *is encoded* and which indicates time information for synchronizing encoding performed by the center device with decoding performed by the decoder.

Applicant respectfully submits that none of the applied references teaches or suggests the features recited in Claim 7. The outstanding Office Action asserts that element CHB-1 in Figure 18 of Oguma is a time stamp indicating the time related to encoding and decoding.¹ However, there is no indication in Oguma that this interpretation is correct.

The image data CHB-1 illustrated in Fig. 18 of Oguma merely indicates a field image 1 of channel B which is displayed after a mute period.² Thus, according to Oguma, image data

¹ Outstanding Office Action, page 7, lines 16-17.

² Oguma, column 5, lines 15-17.

CHB-1 is prepared based on the time point of the end of a mute period, while the time point is **not set based on a time of reception** of image data CHB-1.

Further, Oguma **does not describe encoding** of image data, and therefore **does not describe generating a first stamp** when image data is encoded. Oguma states in column 5, lines 15-27:

CHB-1, CHB-2, CHB-3, . . . indicate field images 1, 2, 3, . . . of the channel B frame-displayed **after the mute period**.

In the operations shown in FIGS. 18(a) through 18(d), the CRT display 515 suddenly enters the mute state such as the black level from the frame display state of the channel A. The **mute state is maintained until the synchronization after the channel selection becomes stable**, and the frame display of the channel B suddenly starts.

Thus, **when the input image is switched, the screen mute period is set**, and an disturbed image displayed by the synchronization error occurring immediately after the input image is switched can be avoided.

Thus, not only is Oguma silent regarding the features recited in Claim 7, but Oguma describes a different approach for controlling the mute time period. As quoted above, Oguma states that the mute period is set **when the input image is switched**. Further, Oguma states that CHB-1 indicates a field image **after the mute period**, but is not a stamp generated when image data is received, much less when the image data is encoded. Therefore, Oguma fails to teach or suggest a *visual disturbance hiding unit ... determining when to stop hiding a disturbance, in accordance with a time point at which the display device receives ... a first stamp ... generated when the image data ... is encoded*, as recited in Claim 7.

Applicant respectfully submits that Maeda does not cure the deficiencies of Oguma discussed above. The outstanding Office Action refers to Figure 2, element 25 of Maeda to allegedly describe image encoding. However, neither element 25, nor Maeda as a whole, teaches or suggests a *visual disturbance hiding unit ... determining when to stop hiding a*

disturbance, in accordance with a time point at which the display device receives ... a first stamp ... generated when the image data ... is encoded, as recited in Claim 7.

Accordingly, Applicant respectfully submits that Claim 7 (and all associated dependent claims) patentably defines over any proper combination of Oguma and Maeda, and requests that the rejection of Claims 7 and 8 under 35 U.S.C. § 103(a) be withdrawn.

The outstanding Office Action rejected independent Claims 14, 21, and 23 on similar grounds as independent Claim 7. While these claims are directed to alternate embodiments, Claims 14, 21, and 23 have been amended to avoid interpretation under 35 U.S.C. § 112, sixth paragraph, and recite features related to a stamp generated when image data is encoded. Therefore, Applicant respectfully submits that Claims 14, 21, and 23 (and all associated dependent claims) patentably define over any proper combination of Oguma and Maeda for at least the reasons discussed above, and requests that the rejection of Claims 14, 21, and 23 under 35 U.S.C. § 103(a) be withdrawn.

New Claim 27

New Claim 27 has been added to vary the scope of patent protection and to further define over the applied references. Claim 27 recites that the switching-related data is data transmitted *after the center device acknowledges a request for the image switching*. Applicant respectfully submits that none of the applied references describes these features. The outstanding Office Action relies on Oguma to describe muting in response to changing channels. However, Oguma does not describe details of how channels are switched, or a center device **acknowledging a request** for image switching, much less basing the muting on switching-related data transmitted after such an acknowledgment is made. Maeda was relied on to allegedly describe a center

device supplying image data to a display device, but does not teach or suggest that a *center device acknowledges a request for image switching*. Thus, Claim 27 recites features not taught or rendered obvious by any proper combination of the applied references. Accordingly, Applicant respectfully submits that Claim 27 is allowable over any proper combination of the applied references. Claim 27 is also allowable by virtue of dependence from Claim 1.

Conclusion

In view of the above amendment and the foregoing remarks, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact George Dolina, Reg. No. 63,654 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: August 11, 2009

Respectfully submitted,

By 

Michael R. Cammarata
Registration No.: 39,491
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant